## **PROOF**

STATE OF IOWA

# Senate Journal

TUESDAY, MARCH 13, 2012

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

## JOURNAL OF THE SENATE

#### SIXTY-FIFTH CALENDAR DAY THIRTY-EIGHTH SESSION DAY

Senate Chamber Des Moines, Iowa, Tuesday, March 13, 2012

The Senate met in regular session at 9:08 a.m., Senator Dvorsky presiding.

Prayer was offered by Pastor Keith Smith of Motor Friends Church in Milo, Iowa. He was the guest of Senator Sorenson.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Monday, March 12, 2012, was approved.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2249, a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, and including effective date provisions. (S-5080)

ALSO: That the House has on March 12, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2228, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations.

Read first time and referred to committee on **Transportation**.

House File 2264, a bill for an act relating to interment rights of certain veterans and their spouses in cemeteries owned and controlled by governmental subdivisions.

Read first time and referred to committee on Veterans Affairs.

House File 2289, a bill for an act relating to the appointment of certain judicial officers and the clerks of the district court.

Read first time and attached to similar Senate File 2100.

House File 2369, a bill for an act relating to the issuance of a burial transit permit.

Read first time and referred to committee on Local Government.

House File 2370, a bill for an act relating to civil actions relating to real estate, including mortgage foreclosure actions.

Read first time and referred to committee on **Judiciary**.

House File 2379, a bill for an act relating to expunging certain criminal records, and including applicability provisions.

Read first time and referred to committee on Judiciary.

House File 2388, a bill for an act relating to maximizing hospitalspecific disproportionate share hospital payments, and providing for contingent implementation.

Read first time and referred to committee on **Human Resources**.

House File 2399, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

Read first time and referred to committee on Judiciary.

House File 2400, a bill for an act relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space

for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

Read first time and referred to committee on **State Government**.

House File 2402, a bill for an act permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

Read first time and referred to committee on Veterans Affairs.

House File 2404, a bill for an act relating to the extension of the effective date of a driver's license for a person serving on active duty in military service.

Read first time and referred to committee on Veterans Affairs.

House File 2428, a bill for an act relating to the movement of certain combinations of vehicles on economic export corridors established by the department of transportation.

Read first time and referred to committee on **Transportation**.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 115.

#### **Senate Resolution 115**

On motion of Senator Quirmbach, Senate Resolution 115, a resolution to recognize March 2012 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

#### SPECIAL GUESTS

In celebration of Women's History Month, Senators Mathis and Quirmbach welcomed student winners of the 28th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

## Sixth and Seventh Grades:

First Place: Elizabeth Barrett of Harding Middle School in Cedar Rapids

Second Place: Ally Richards of Urbandale Middle School in Urbandale Third Place: Susanne Kerr of North Polk Elementary in Alleman

#### Eighth and Ninth Grades:

First Place: Molly Doruska of Northview Middle School in Ankeny Second Place: Gabriella Baker of North Polk Middle School in Alleman

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Sreeja Vepa of Urbandale Middle School in Urbandale

Best Essay on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Emily Robinson of Creston Middle School in Creston Second Place: Kirsten Siebenga of Harding Middle School in Cedar Rapids

The Senate rose and expressed its welcome.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie, until he arrives, on request of Senator Seng.

#### RECESS

On motion of Senator Danielson, the Senate recessed at 9:25 a.m. until 2:00 p.m.

## RECONVENED

The Senate reconvened at 2:17 p.m., President Kibbie presiding.

#### BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that Senate File 2284 be referred from the Regular Calendar to the committee on Appropriations.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2260, a bill for an act revising the Iowa nonprofit corporation Act. (S-5083)

ALSO: That the House has on March 13, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2385, a bill for an act providing for the licensure of applicants with professional employment experience in a profession related to science, mathematics, engineering, or technology, as teachers for secondary level science, mathematics, engineering, or technology courses.

Read first time and referred to committee on **Education**.

House File 2433, a bill for an act relating to state agency decision making.

Read first time and referred to committee on **State Government**.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 2:19 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 2:20 p.m., President Kibbie presiding.

The Senate stood at ease at 2:21 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:24 p.m., President Kibbie presiding.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senator Smith raised the point of order asking the sponsor to withdraw Senate Resolution 113 under Rule 30.

The Chair ruled the Senate in past precedent has included acts of the national government as accomplishments of "national or international status" within the language of Rule 30. Accordingly, the Chair ruled the point not well-taken and Senate Resolution 113 in order.

#### **Senate Resolution 113**

On motion of Senator Danielson, Senate Resolution 113, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on Senate Resolution 113 be deferred.

# CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2302.

## Senate File 2302

On motion of Senator Mathis, **Senate File 2302**, a bill for an act relating to bidding for purchases through a competitive bidding process by the state or political subdivisions, was taken up for consideration.

Senator Mathis offered amendment S-5069, filed by her on March 12, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5069 was adopted by a voice vote.

With the adoption of amendment S-5069, the Chair ruled the following amendments out of order:

S-5054, filed by Senator Whitver on March 7, 2012, to page 1 of the bill; and

S-5060, filed by Senator Hamerlinck on March 8, 2012, to page 1 of the bill.

Senator Dix offered amendment S-5075, filed by him on March 12, 2012, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–5075 be adopted?" (S.F. 2302), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

### Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 25:

Dotzler Schoenjahn Beall Horn Black Dvorsky Jochum Seng Bolkcom Fraise Kibbie Sodders Wilhelm Bowman Gronstal McCoy Courtney Hancock Quirmbach Danielson Hatch Ragan Hogg Dearden Rielly

Present, 1:

Mathis

Absent, none.

Amendment S-5075 lost.

Senator Smith offered amendment S-5079, filed by him on March 12, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5079 was adopted by a voice vote.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2302), the vote was:

Yeas, 35:

Anderson Danielson Hogg Rielly SchoenjahnDearden Bartz Horn Beall Dotzler Jochum Seng Bertrand Dvorsky Kapucian Smith Black Fraise Kibbie Sodders Boettger Gronstal Mathis Sorenson Bolkcom Hamerlinck McCoy Ward Wilhelm Bowman Hancock Quirmbach Courtney Hatch Ragan

Nays, 15:

BaconErnstHouserSeymourBehnFeenstraJohnsonWhitverChelgrenGreinerKetteringZaunDixHahnMcKinley

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## **BUSINESS PENDING**

#### **Senate Resolution 113**

The Senate resumed consideration of **Senate Resolution 113**, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission, previously deferred.

Senator Danielson moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2294 and 2293.

#### Senate File 2294

On motion of Senator Rielly, Senate File 2294, a bill for an act relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate, was taken up for consideration.

Senator Rielly offered amendment S-5082, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5082 was adopted by a voice vote.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2294), the vote was:

#### Yeas, 47:

Anderson	Dearden	Horn	Rielly
Bacon	Dix	Houser	Schoenjahn
Bartz	Dotzler	Jochum	Seng
Beall	Dvorsky	Johnson	Seymour
Behn	Ernst	Kapucian	Smith

Bertrand Fraise Kettering Sodders Black Gronstal Kibbie Sorenson Hahn Ward Bolkcom Mathis Hamerlinck McCoy Whitver Bowman Chelgren Hancock McKinley Wilhelm Courtney Hatch Quirmbach Zaun Danielson Hogg Ragan

Nays, 3:

Boettger Feenstra Greiner

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### Senate File 2293

On motion of Senator McCoy, **Senate File 2293**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, was taken up for consideration.

Senator McCoy offered amendment S–5066, filed by him on March 12, 2012, to pages 2, 12, 13, 15, 20, and 21 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S–5066 be deferred.

Senator Feenstra offered amendment S-5049, filed by him on March 7, 2012, to pages 11-14 and 20-21 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5049 be adopted?" (S.F. 2293), the vote was:

## Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall Dotzler Horn Rielly Dvorsky Jochum Black Schoenjahn Bolkcom Fraise Kibbie Seng Gronstal Mathis Sodders Bowman Hancock McCoy Wilhelm Courtney Quirmbach Danielson Hatch Dearden Ragan Hogg

Absent, none.

Amendment S-5049 lost.

The Senate resumed consideration of amendment S-5066, previously deferred.

Senator McCoy moved the adoption of amendment S-5066.

Amendment S-5066 was adopted by a voice vote.

With the adoption of amendment S-5066, the Chair ruled the following amendments out of order:

S-5033, filed by Senator McCoy on February 28, 2012, to pages 12, 13, 20, and 21 of the bill; and

S–5048, filed by Senator McCoy on March 6, 2012, to page 15 of the bill.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

#### Yeas, 23:

Beall Dearden Hogg Ragan Black Dotzler Horn Schoenjahn Bolkcom Dvorsky Jochum Seng Fraise Kibbie SoddersBowman Courtney Hancock Mathis Wilhelm Danielson Hatch Quirmbach

#### Nays, 27:

Anderson	Dix	Houser	Seymour
Bacon	Ernst	Johnson	Smith
Bartz	Feenstra	Kapucian	Sorenson
Behn	Greiner	Kettering	Ward
Bertrand	Gronstal	McCoy	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Rielly	

Absent, none.

The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2128 and 2112.

#### Senate File 2128

On motion of Senator Beall, **Senate File 2128**, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, providing for a repeal, and including applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall offered amendment S-5065, filed by him on March 12, 2012, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5065 was adopted by a voice vote.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2128), the vote was:

#### Yeas, 43:

Danielson	Hancock	Quirmbach
Dearden	Hatch	Ragan
Dotzler	Hogg	Rielly
Dvorsky	Horn	Schoenjahn
Ernst	Houser	Seng
	Dearden Dotzler Dvorsky	Dearden Hatch Dotzler Hogg Dvorsky Horn

Black Boettger Bolkcom Bowman Chelgren Courtney	Feenstra Fraise Greiner Gronstal Hahn Hamerlinck	Jochum Johnson Kapucian Kibbie Mathis McCoy	Seymour Sodders Ward Wilhelm Zaun
Nays, 7:			
Behn	Kettering	Smith	Whitver

McKinley

Absent, none.

Dix

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Sorenson

#### Senate File 2112

On motion of Ernst, **Senate File 2112**, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status, was taken up for consideration.

Ernst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2112), the vote was:

## Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate Files 2112, 2128, 2294, and 2302 be immediately messaged to the House.

#### MOTION TO RECONSIDER ADOPTED

#### Senate File 2293

Senator Gronstal called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2293 failed to pass the Senate on March 13, 2012.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2293), the vote was:

#### Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

## Nays, 24:

Chelgren	Hamerlinck	Seymour
Dix	Houser	Smith
Ernst	Johnson	Sorenson
Feenstra	Kapucian	Ward
Greiner	Kettering	Whitver
Hahn	McKinley	Zaun
	Dix Ernst Feenstra Greiner	Dix Houser Ernst Johnson Feenstra Kapucian Greiner Kettering

Absent. none.

The motion prevailed.

Senator Gronstal moved to reconsider the vote by which Senate File 2293 went to its last reading, which motion prevailed by a voice vote.

On motion of Senator Gronstal, **Senate File 2293**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, was taken up for reconsideration.

Senator McCoy called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5066 to Senate File 2293 was adopted by the Senate on March 13, 2012.

The motion prevailed by a voice vote and amendment S-5066, by Senator McCoy to pages 2, 12, 13, 15, 20, and 21 of the bill, was taken up for reconsideration.

Senator McCoy called for the following division of amendment S-5066:

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Division S-5066A: Page 1, lines 2-5;
Division S-5066B: Page 1, lines 6-9; and
Division S-5066C: Page 1, lines 10-16.
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Senator McCoy asked and received unanimous consent to withdraw division S-5066A.

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(Senate File 2293 and amendment S-5066 were deferred.)
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The Senate stood at ease at 5:11 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:34 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2293 and amendment S-5066, previously deferred.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Bartz.

Senator McCoy moved the adoption of division S-5066B.

A record roll call was requested.

On the question "Shall division S-5066B be adopted?" (S.F. 2293), the vote was:

#### Yeas, 26:

Beall DotzlerHorn Rielly Black Dvorsky Jochum Schoenjahn Bolkcom Fraise Kibbie Seng Bowman GronstalMathis SoddersCourtney Hancock McCoy Wilhelm Danielson Hatch Quirmbach Dearden Hogg Ragan

Nays, 23:

Hamerlinck Smith Anderson Chelgren Bacon Dix Johnson Sorenson Bartz Ernst Kapucian Ward Kettering Feenstra Whitver Behn Bertrand Greiner McKinley Zaun Hahn BoettgerSeymour

Absent, 1:

Houser

Division S-5066B was adopted.

Senator McCoy moved the adoption of division S-5066C.

A record roll call was requested.

On the question "Shall division S–5066C be adopted?" (S.F. 2293), the vote was:

### Yeas, 25:

Beall Dotzler Horn Schoenjahn Black Dvorsky Jochum Seng Kibbie Sodders Bolkcom Fraise Bowman Gronstal Mathis Wilhelm Courtney Hancock McCoy Hatch Quirmbach Danielson Dearden Hogg Ragan

## Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Johnson	Smith
Bartz	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Ward
Bertrand	Greiner	McKinley	Whitver
Boettger	Hahn	Rielly	Zaun

Absent, 1:

Houser

Division S-5066C was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

#### Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	$\overline{\text{Sodders}}$
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	
Marra 99.			

#### Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2293** be **immediately messaged** to the House.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2236 and 2275.

#### Senate File 2236

On motion of Senator Danielson, Senate File 2236, a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable, was taken up for consideration.

Senator Danielson offered amendment S-5085, filed by him from the floor to pages 1 and 4-6 and amending the title page of the bill.

Senator Danielson called for the following division of amendment S-5085:

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Division S-5085A: Page 1, lines 2-5 and lines 8-13; and Division S-5085B: Page 1, lines 6-7.
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Senator Danielson asked and received unanimous consent to withdraw division S-5085B.

Senator Danielson moved the adoption of division S-5085A.

Division S-5085A was adopted by a voice vote.

Senator Danielson offered amendment S-5087, filed by him from the floor to pages 4-5 of the bill, and moved its adoption.

Amendment S-5087 was adopted by a voice vote.

Senator Chelgren asked and received unanimous consent that action on Senate File 2236 be deferred.

#### Senate File 2275

On motion of Senator Danielson, Senate File 2275, a bill for an act authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable, was taken up for consideration.

Senator Danielson withdrew amendment S-5059, filed by him on March 8, 2012, to pages 1 and 3-5 and amending the title page of the bill.

Senator Danielson offered amendment S-5064, filed by him on March 12, 2012, to pages 1 and 3-5 and amending the title page of the bill, and moved its adoption.

Amendment S-5064 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5068, filed by Senators Dvorsky and Feenstra on March 12, 2012, to page 4 of the bill.

Senator Bertrand raised the point of order that amendment S-5068 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5068 out of order.

Senator Ernst offered amendment S-5086, filed by her from the floor, to page 6 of the bill.

Senator Sodders raised the point of order that amendment S–5086 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5086 in order.

(Senate File 2275 and amendment S-5086 were deferred.)

The Senate stood at ease at 6:20 p.m. until the fall of the gavel for the purpose of a Democratic party caucuses.

The Senate resumed session at 6:24 p.m., President Kibbie presiding.

Senator Ernst moved the adoption of amendment S-5086.

A record roll call was requested.

On the question "Shall amendment S–5086 be adopted?" (S.F. 2275), the vote was:

#### Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

#### Nays, 27:

Beall	Dix	Hogg	Ragan
Black	Dotzler	Horn	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm
Dearden	Hatch	Quirmbach	

Absent, 1:

Houser

Amendment S-5086 lost.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2275), the vote was:

### Yeas, 29:

Anderson	Dearden	Horn	Schoenjahn
Bartz	Dix	Jochum	Sodders
Beall	Dotzler	Kapucian	Sorenson
Bertrand	Dvorsky	Kibbie	Whitver

Wilhelm

Black Greiner Mathis
Bowman Gronstal McCoy
Courtney Hancock Ragan
Danielson Hatch Rielly

Nays, 20:

Bacon Ernst Hogg Seng Behn Feenstra Johnson Seymour Boettger Fraise Kettering Smith Ward Bolkcom Hahn McKinley Chelgren Hamerlinck Quirmbach Zaun

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate File 2275 be immediately messaged to the House.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Swati Dandekar as a member of the Iowa Utilities Board, placed on the Individual Confirmation Calendar on February 2, 2012, found on page 186 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

## Yeas, 43:

Schoenjahn Anderson Dix Horn Seng Bacon Dvorsky Jochum Bartz Ernst Johnson Seymour Kapucian Smith Behn Feenstra Bertrand Fraise Kettering Sodders Boettger Greiner Kibbie Sorenson

Bolkcom Gronstal Mathis Ward Bowman Hahn McCoy Whitver Chelgren Hamerlinck McKinley Wilhelm Danielson Hancock Zaun Ragan Dearden Hogg Rielly

Nays, 6:

Beall Courtney Hatch Black Dotzler Quirmbach

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of San Wong as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on February 9, 2012, found on page 231 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

#### Yeas, 49:

Schoenjahn Anderson Dearden Hogg Horn Bacon Dix Seng Bartz Dotzler Jochum Seymour Dvorsky Beall Johnson Smith Behn Ernst Kapucian Sodders Bertrand Feenstra Kettering Sorenson Kibbie Ward Black Fraise Greiner Mathis Whitver BoettgerBolkcom Gronstal McCoy Wilhelm Bowman Hahn McKinley Zaun Chelgren Hamerlinck Quirmbach Courtney Hancock Ragan Danielson Hatch Rielly

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Debi Durham as Director of the Economic Development Authority, placed on the Individual Confirmation Calendar on February 7, 2012, found on page 206 of the Senate Journal.

Senator Sodders moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

#### Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 6:39 p.m. until the fall of the gavel.

The Senate resumed session at 6:42 p.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2429, a bill for an act relating to identity theft, providing penalties, and making penalties applicable.

Read first time and referred to committee on Judiciary.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:43 p.m. until 9:00 a.m. Wednesday, March 14, 2012.

#### **APPENDIX**

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Trevor Draisey, Keota—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

Brock Kimball, Washington—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

Jan Laue, Des Moines—For her many years of service to the working men and women of the State of Iowa and the Trade Union Movement. Senator Dearden (3/13/12).

Lincoln Parmenter, English Valleys—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

## REPORTS OF COMMITTEE MEETINGS

#### **AGRICULTURE**

Convened: Tuesday, March 13, 2012, 10:15 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member;

Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, and Kapucian.

Members Absent: Kibbie and Rielly (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 10:30 p.m.

APPROPRIATIONS

Convened: Tuesday, March 13, 2012, 1:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum,

Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Passed HF 2337.

Recessed: 1:45 p.m.

Reconvened: 2:00 p.m.

Adjourned: 2:15 p.m.

**JUDICIARY** 

Convened: Tuesday, March 13, 2012, 9:50 a.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved governor's appointees.

Adjourned: 10:00 a.m.

LOCAL GOVERNMENT

Convened: Tuesday, March 13, 2012, 10:45 a.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Courtney and Hamerlinck (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 11:00 a.m.

#### RULES AND ADMINISTRATION

Convened: Tuesday, March 13, 2012, 2:20 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 116.

Adjourned: 2:25 p.m.
TRANSPORTATION

Convened: Tuesday, March 13, 2012, 11:15 a.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member;

Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Passed HF 2428.

Adjourned: 11:40 a.m.

#### INTRODUCTION OF RESOLUTION

Senate Resolution 116, by Quirmbach, Mathis, Beall, Ragan, Dotzler, Jochum, Hogg, Dvorsky, Sodders, Danielson, Seng, Horn, Fraise, Courtney, Kibbie, Black, McCoy, Schoenjahn, Behn, Bacon, Boettger, Johnson, McKinley, Kapucian, Whitver, Anderson, Sorenson, Ernst, Kettering, Hahn, Feenstra, Dix, Chelgren, Ward, and Seymour, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Read first time under Rule 28 and referred to committee on **Rules** and **Administration**.

## STUDY BILLS RECEIVED

## SSB 3193 Ways and Means

Relating to electronic payment transactions by prohibiting the collection of interchange fees on specified taxes and fees, providing penalties, and including applicability provisions.

## SSB 3194 Ways and Means

Providing for the allocation of moneys from the primary road fund and the disposition of federal aid road funds.

#### SUBCOMMITTEE ASSIGNMENTS

Senate File 2173

WAYS AND MEANS: Jochum, Chair; Bartz and Mathis

House File 2092

AGRICULTURE: Seng, Chair; Black and Hahn

House File 2284

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

House File 2370

JUDICIARY: Hogg, Chair; Fraise and Whitver

House File 2379

JUDICIARY: Jochum, Chair; Dix and Quirmbach

House File 2388

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

House File 2399

JUDICIARY: Hancock, Chair; Boettger and Sodders

House File 2400

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

#### House File 2428

TRANSPORTATION: Rielly, Chair; Beall, Bowman, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, Kapucian, and Zaun

**SSB 3193** 

WAYS AND MEANS: Dotzler, Chair; Feenstra and Jochum

SSB 3194

WAYS AND MEANS: McCoy, Chair; Feenstra and Mathis

#### FINAL COMMITTEE REPORTS OF BILL ACTION

#### APPROPRIATIONS

Bill Title: HOUSE FILE 2337, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5084.

**Final Vote:** Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent. 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

#### RULES AND ADMINISTRATION

**Bill Title:** SENATE RESOLUTION 116, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

#### STATE GOVERNMENT

Bill Title: HOUSE FILE 2285, a bill for an act relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Recommendation: DO PASS.

**Final Vote:** Ayes, 13: Danielson, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 2: Kibbie and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

Bill Title: HOUSE FILE 2427, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices.

Recommendation: DO PASS.

**Final Vote:** Ayes, 13: Danielson, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 2: Kibbie and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

#### TRANSPORTATION

Bill Title: HOUSE FILE 2428, a bill for an act relating to the movement of certain combinations of vehicles on economic export corridors established by the department of transportation.

Recommendation: DO PASS.

**Final Vote:** Ayes, 12: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

#### VETERANS AFFAIRS

Bill Title: HOUSE FILE 2403, a bill for an act relating to requirements for a commercial driver's license for certain persons transitioning from military service.

Recommendation: DO PASS.

**Final Vote:** Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Ragan, and Sodders. Nays, none. Absent, 1: Kibbie.

 $\textbf{Fiscal Note:}\ \ \text{NOT}\ \text{REQUIRED}\ \text{UNDER JOINT}\ \text{RULE}\ 17.$ 

## EXPLANATION OF VOTE

MR. PRESIDENT: I was present in the Senate chamber on March 12, 2012, when the vote was taken on Senate File 2301, and erroneously recorded my vote as "Yea." I intended to vote "Nay." The President of the Senate had closed the voting machine prior to my being able to correct my vote.

KENT SORENSON

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

#### AGRICULTURE

Lyle Borg – Agricultural Development Authority John Fredrickson – Agricultural Development Authority Mark Leonard – Agricultural Development Authority

#### COMMERCE

Dave Cale – Credit Union Review Board Timothy Marcsisak – Credit Union Review Board Becky Zemlicka – Credit Union Review Board

 $\label{lower} {\bf Richard\ Bruner-Chairperson\ of\ the\ Iowa\ Telecommunications\ and\ Technology\ Commission}$ 

Kathleen Kohorst - Iowa Telecommunications and Technology Commission

#### **HUMAN RESOURCES**

Jill Bjerke – Commission on Aging Richard Stone – Commission on Aging

Geoffrey Jensen – Board of Athletic Training Christina Taylor – Board of Athletic Training

Amy Crow Sunleaf - Board of Behavioral Science

Mary Chavez – Commission of Persons with Disabilities Harry Van Grevenhof – Commission of Persons with Disabilities Brandon Wensman – Commission of Persons with Disabilities

Christopher Atchison – Prevention of Disabilities Policy Council Beth Jones – Prevention of Disabilities Policy Council Cheryll Jones – Prevention of Disabilities Policy Council Susan Lerdal - Prevention of Disabilities Policy Council

Joseph Hutter – Healthy and Well Kids in Iowa (HAWK-I) Board Mary Mincer Hansen – Healthy and Well Kids in Iowa (HAWK-I) Board

Sal Alaniz – Commission of Latino Affairs Juan Rodriguez – Commission of Latino Affairs

Neil Broderick – Mental Health and Disability Services Commission Jill Davisson – Mental Health and Disability Services Commission Debra Schildroth – Mental Health and Disability Services Commission Patrick Schmitz – Mental Health and Disability Services Commission Suzanne Watson – Mental Health and Disability Services Commission

John Gannon – Board of Sign Language Interpreters and Transliterators Diana Kautzky – Board of Sign Language Interpreters and Transliterators Stephanie Lyons – Board of Sign Language Interpreters and Transliterators

Mikki Stier - Commission on Tobacco Use Prevention and Control

#### **JUDICIARY**

David Lorenzen – Iowa Drug Policy Advisory Council Christina Wilson – Iowa Drug Policy Advisory Council

Regina Clemens – Iowa Law Enforcement Academy Council Marti Crumes-Morrow – Iowa Law Enforcement Academy Council

#### LOCAL GOVERNMENT

James Halverson - City Development Board

Linda Dunshee – Mental Health Risk Pool Board Rick Larkin – Mental Health Risk Pool Board Andrew Nielsen – Mental Health Risk Pool Board Raymond Todd – Mental Health Risk Pool Board

#### STATE GOVERNMENT

Shanna Cramer – Commission on the Status of African Americans L. Duane Murray – Commission on the Status of African Americans Clair Rudison, Jr. – Commission on the Status of African Americans Kimberly Wayne – Commission on the Status of African Americans

Linda Alfson Schemmel – Architectural Examining Board Bruce Bassler – Architectural Examining Board

Yolanda Duerson – Commission of Asian and Pacific Islander Affairs Benjamin Jung – Commission of Asian and Pacific Islander Affairs Trinh Le – Commission of Asian and Pacific Islander Affairs Gwendolyn Ecklund – Board of Barbering Valerie Felton – Board of Barbering

James Omvig, Sr. - Commission for the Blind

Joellen Jenson - Board of Chiropractic

Kelly Busch – Commission on Community Action Agencies Marc Lindeen – Commission on Community Action Agencies

Don Nguyen - Board of Cosmetology Arts and Sciences

Theresa Legg – Commission of Deaf Services Jennifer Upah – Commission of Deaf Services

Lori Elmitt – Board of Dentistry Matthew McCullough – Board of Dentistry Nancy Slach – Board of Dentistry

Bridget Drapeaux – Board of Dietetics Steven Kury – Board of Dietetics

Dorothy Walters - Board of Hearing Aid Dispensers

Sara Herman – Interior Design Examining Board Tom Triplett – Interior Design Examining Board Serena Zwanziger – Interior Design Examining Board

Timothy Adams – Landscape Architectural Examining Board David Fjare – Landscape Architectural Examining Board

Coy Clark - Board of Massage Therapy

Julie Perkins - Board of Medicine

Bradley Hawn – Board of Mortuary Science Norene Mostkoff – Board of Mortuary Science

Maureen Cahill – Board of Nursing Home Administrators David Chensvold – Board of Nursing Home Administrators Patrice Herrera – Board of Nursing Home Administrators Mabel Mantel – Board of Nursing Home Administrators Dawnita Neff – Board of Nursing Home Administrators

Richard Jacobson – Board of Optometry Barbara Washburn – Board of Optometry

Jaclyn Fleming - Board of Physical and Occupational Therapy

Joel Jernstad – Board of Physician Assistants Jolene Kelly – Board of Physician Assistants Teresa Lee – Board of Physician Assistants Mindi Feilmeier – Board of Podiatry Sarah Kleffman – Board of Podiatry

Brandon Davis – Board of Psychology John Dilley – Board of Psychology

Amanda Luscombe – Real Estate Appraiser Examining Board Joan Scotter – Real Estate Appraiser Examining Board

 $\label{linear} \begin{array}{l} {\rm Lisa~Kingery-Board~of~Respiratory~Care} \\ {\rm Arlene~Lee-Board~of~Respiratory~Care} \end{array}$ 

Mark Hillenbrand - Board of Social Work

Denise Renaud – Board of Speech Pathology and Audiology Jon Schuttinga – Board of Speech Pathology and Audiology J. Michael Tysklind – Board of Speech Pathology and Audiology

Janet Sears – Iowa Board of Veterinary Medicine Curtis Youngs – Iowa Board of Veterinary Medicine

Mollie Phukan – Vision Iowa Board Cathy Reece – Vision Iowa Board Charese Yanney – Vision Iowa Board

Elizabeth Coonan – Commission on the Status of Women David Gudenkauf – Commission on the Status of Women Brian Mueller – Commission on the Status of Women

#### TRANSPORTATION

Amy Reasner – State Transportation Commission Charese Yanney – State Transportation Commission

## GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

## **HUMAN RESOURCES**

Thomas Greene - Commission on Tobacco Use Prevention and Control

#### **JUDICIARY**

Beth Townsend - Director of the Iowa State Civil Rights Commission

Doris Kelley - Chairperson of the Board of Parole

## AMENDMENTS FILED

S-5080	S.F.	2249	House
S-5081	H.F.	2335	Tom Hancock
S-5082	S.F.	2294	Thomas Rielly
S-5083	S.F.	2260	House
S-5084	H.F.	2337	Appropriations
S-5085	S.F.	2236	Jeff Danielson
S-5086	S.F.	2275	Joni Ernst
S-5087	SF	2236	Jeff Danielson